



Arizona Peace Officer Standards and Training Board

2643 East University Drive Phoenix, Arizona 85034-6914 Phone (602) 223-2514 Fax (602) 244-0477

Minutes of Meeting May 16, 2018

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on May 16, 2018, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Byron Gwaltney, Pima County Sheriff's Department
Chief Lawrence Hall, Buckeye Police Department
Mr. Andrew LeFevre, Grand Canyon University
Colonel Frank Milstead, AZ Department of Public Safety
Director Charles Ryan, AZ Department of Corrections
Chief Alan Rodbell, Scottsdale Police Department
Mr. Richard Wooten, Public Member

Members Absent:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman

Staff in Attendance:

Jack G. Lane, Executive Director
Billy Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Steve Jacobs, Compliance Specialist
Mike Orose, Compliance Specialist
Mark Perkovich, Program Administrator
Cynthia Sawyer, Training Compliance Specialist
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Michael Saltz
Seth Hargraves
John Tellier

A. Call to Order

Acting Chairman Rodbell called the meeting to order at 10:00 a.m. and asked Chief Hall to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- Assistant Attorney General John Tellier will provide legal advice to the Board on the Taylor E. Barlow and Paul V. Chavez cases.
- The Michael D. Coomes case will be tabled today.

C. Consent Agenda

Sheriff Dannels made a motion to accept the Consent Agenda. The motion was seconded by Director Ryan and passed unanimously.

1. Minutes of the Board meeting held on March 21, 2018, were approved as written.
Minutes of the Board meeting held on April 18, 2018, were approved as written.

2. Ministerial Actions:

- a. Certification Waivers:

Brenda C. Ehlert	Hualapai Nation PD
Graeme H. Kennedy	AZ State University PD
Guillermo N. Altamirano Jr.	AZ Department of Corrections
Jesus A. Aguilar	University of Arizona PD
Caleb D. Zimmerman	Phoenix Police Department

3. Income and Expense Statement – March 2018

Funds as of March 1, 2018	\$1,445,303.37
CJEF Revenue (March 2018)	515,163.12
Misc. Revenue (March 2018)	158.48
Expenditures for March 2018	(466,996.00)
Balance as of March 31, 2018	\$1,493,628.97

4. Consent Agreements for Voluntary Relinquishment of Peace Officer Certification for the following:

Charles J. Langley	16-062	Mesa Police Department
Scott J. Kikes	18-053	Maricopa County Sheriff's Office
Matthew A. Petersen	18-059	Tucson Police Department
Matthew G. Murray	17-006	Tempe Police Department

5. Training Audit Deficiencies – Navajo Department of Public Safety
The following officers are deficient in the required annual training and their certification is restricted until the requirement is met:

Marshal Speirs	Rick Gravatt
Arnold Silversmith	Kim Fragua
John Silvas Jr.	Lambert Deschine
Cheryln Owens	Henry Moore
Jefferson Joe	Harry Sombrero
Brenda Harrison	

6. Training Audit Deficiencies – White Mountain Apache Tribal Police Department
The following officer is deficient in the required annual training and his certification is restricted until the requirement is met:

Marty Gatewood

D. Executive Director's Report

Jack G. Lane, Executive Director

- The legislature has adjourned. The governor's budget, which passed, includes \$837,000 allocated to AZ POST for basic training. This will allow us to provide all eight academies a recovery cost of \$2,500 per graduating recruit and \$900 per recruit who fails but completes at least 50% of the academy.
- The AZPOST budget will be presented to the Board at the June meeting.
- Attended both the sheriff's and chief's association meetings this month.

E. Legislative Update

Jack G. Lane, Executive Director

- SB 1498 is on the Governor's desk for signature. This bill changes the peer membership on the Board to two certified law enforcement officers who have knowledge of and experience in representing peace officers in disciplinary cases. One of the officers must have a rank of officer and the other must have a rank of deputy. One of the officers must be from a county with a population of less than 500,000. HB 2313 also passed. This bill changes the formula for CJEF Funding.

F. Summary of Current Events

There is nothing new to report.

G. Reports – Department of Corrections

Director Charles Ryan

- Since the last regular meeting, 59 cadets have graduated from COTA. Currently there are four classes with 100 cadets in attendance. There are 919 vacancies statewide. Sixteen cadets have graduated through county and tribal detention IGAs; a canine academy just graduated. One applicant participated in the waiver process.

H. Review, Discussion and Possible Action on the City of Tucson and the Southern Arizona Law Enforcement Training Center's (SALETC) incorporation of a \$15,000 fee per recruit for participating agencies. May include public comments at the invitation of the Chairman

Due to a continued reduction in revenue, the Tucson Police Department developed a cost recovery mechanism that impacts agencies that utilize SALETC. Effective October 8, 2018, it will implement a shared expense program for participating agencies to partially fund the training of their respective recruits. This will be done by implementing a \$15,000 fee per recruit.

Deputy Chief Chad Kasmar addressed the Board to discuss what led to this decision and the need for partnering agencies to provide financial assistance for the training of their recruits. With the decrease in funding for regional academies from AZPOST and the continued decline in revenues, the City of Tucson and SALETC were placed in a financial situation that caused them to change how they operate. In order to cut costs for the City of Tucson, they will implement a shared expense program to allow participating agencies to partially fund the training of their recruits.

Sheriff Mark Dannels expressed his disappointment at how this matter was handled and felt that the lack of communication to the agencies this impacts was poorly managed. He feels \$15,000 is an exorbitant amount and his agency, like many other agencies, cannot absorb this high fee.

Executive Director Jack Lane stated he sent a letter voicing his concerns to Chief Magnus regarding this change. He was aware they were having discussions concerning a potential charge but he was told the cost being considered was approximately \$1200 to \$1500 per recruit; he found this amount to be very reasonable. He is very disappointed with the \$15,000 fee and invited the chief to this meeting to address this matter.

Colonel Milstead offered his agency's assistance in negotiating this matter; his staff is familiar with these types of negotiations having dealt with similar discussions with the Phoenix Police Regional Academy. He understands his troopers attend SALETC, so he would like to assist in negotiating a resolution.

Discussion was held regarding establishing a subcommittee to work on alternatives to this matter. Time is of the essence due to a start date of October 8, 2018, for this recovery fee. Also discussed was the need to find alternatives and a common ground on what a reasonable fee is for everyone involved. It was determined that a subcommittee was not the best method to address this matter. User agencies that use SALETC can work on resolutions and if needed, POST can facilitate. Another alternative is there are seven other academies in the state that are available.

Chiefs from Willcox, Douglas and Bisbee police departments were in attendance and stated they agree with Sheriff Dannels regarding this matter.

There will be a User Committee Meeting next week; no decision was made today pending the outcome of the User Committee Meeting.

I. Modification to Suspension Dates on Case #16-194 – Jeff S. Williams

On April 18, 2018, the Board voted to suspend the peace officer certification of Officer Jeff S. Williams for one year effective August 10, 2016. His termination date was December 2, 2016; he was still acting as a peace officer from August 10, 2016 through December 2, 2016. He cannot be suspended while acting as a peace officer; as such the suspension dates must be modified.

Colonel Milstead made a motion to amend the one year suspension date for Mr. Williams to now run from December 2, 2016 to December 2, 2017. The motion was seconded by Sheriff Dannels and passed unanimously.

J. Final Action Cases:

1. 17-160 – Taylor E. Barlow – Colorado City Marshal's Office

Mr. Ahler (AAG) recused himself from this case. The Board heard oral argument on the Administrative Law Judge's (ALJ) Decision from Assistant Attorney General Seth Hargraves, attorney for the Arizona Peace Officers Standards and Training Board, and Mr. Matthew Barlow, attorney for Taylor E. Barlow. The Board received legal advice regarding the ALJ Decision and the motion from Assistant Attorney General John Tellier.

Colonel Milstead made a motion to accept the ALJ's Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Barlow. The motion was seconded by Sheriff Dannels and passed unanimously.

2. #15-126 – Paul V. Chavez – Scottsdale Police Department

Chief Rodbell and Mr. Ahler (AAG) recused themselves from this case. Sheriff Dannels was acting chairman for this case. The Board heard oral argument on the Administrative Law Judge's (ALJ) Decision from Assistant Attorney General Seth Hargraves, attorney for the Arizona Peace Officers Standards and Training Board. Mr. Chavez was not present. The Board received legal advice regarding the ALJ Decision and the motion from Assistant Attorney General John Tellier.

Chief Hall made a motion to accept the ALJ's Findings of Fact and Conclusions of Law and revoke Mr. Chavez's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

3. #17-009 – Michael D. Coomes – Gila River Police Department

This case was tabled.

K. New Charging Cases:

1. #17-174 – Byron D. Steele – San Carlos Tribal Police Department
The Board considered comments from Compliance Specialist William Caldwell. Mr. LeFevre made a motion to ***Initiate Proceedings*** against Mr. Steele's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.
2. #18-004 – James R. Feddema – Tucson Police Department
Sergeant Andreacola recused himself from this case. The Board considered comments from Compliance Specialist Cathy Hawse. Chief Gwaltney made a motion to ***Initiate Proceedings*** against Mr. Feddema's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
3. #18-063 – Douglas R. Williams III – La Paz County Sheriff's Office
The Board considered comments from Compliance Specialist Steve Jacobs. Sheriff Dannels made a motion to ***Initiate Proceedings*** against Mr. Williams' peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
4. #18-018 – Kevin J. Duschl – Surprise Police Department
The Board considered comments from Compliance Specialist Mike Orose. Chief Hall made a motion to ***Initiate Proceedings*** against Mr. Duschl's peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.
5. #17-115 – Ryan A. Bakke – Peoria Police Department
The Board considered comments from Compliance Specialist Lori Wait. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. Bakke's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.
6. #17-130 – Gabriel G. Terry – Ak-Chin Police Department
The Board considered comments from Compliance Specialist Lori Wait. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. Terry's peace officer certification. The motion was seconded by Chief Hall and passed unanimously.

L. Call to the Public

No one wished to address the Board.

M. Future Agenda Items

An update will be provided at the July meeting on the Job Task Analysis (JTA) Project.

N. Adjournment

The meeting was adjourned at 11:21 a.m.